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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,081	01/24/2002	Jean-Pol Boutique	7694X	1654

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

C206

Office Action Summary

Application No.

10/048,081

Applicant(s)

BOUTIQUE ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Claim Rejections - 35 USC § 112

1. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is indefinite because it is not clear what the phrase “the operating window of the detergent tablet is broader with the hydrotrope” means.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wahl et al. (US Patent No. 5,759,990), hereinafter "Wahl '990".

Wahl '990 teaches an aqueous fabric softener composition comprising Canola DEQA (diester quaternary ammonium fabric softening active compound), 1,4-cyclohexanedimethanol and water (see Examples 20 to 22 under col. 35, lines 14-30). Wahl '990 teaches the limitations of the instant claims. Hence, Wahl '990 anticipates the claims.

4. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper et al. (WO 98/12293), hereinafter "Cooper".

Cooper teaches an aqueous liquid textile softening composition comprising fabric softener active, 1,4-cyclohexanedimethanol and water (see Example V on pages 50-51). Cooper teaches the limitations of the instant claims. Hence, Cooper anticipates the claims.

5. Claims 1, 3-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Wahl et al. (WO 98/47991), hereinafter "Wahl '991".

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Wahl '991 teaches an aqueous liquid textile softening composition comprising softener compound, 1,4-cyclohexanedimethanol (CHDM) and water (see Examples 4 and 5 on page 79). Wahl '991 teaches the limitations of the instant claims. Hence, Wahl '991 anticipates the claims.

6. Claims 1, 3-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Tordil et al. (WO 98/53035), hereinafter "Tordil".

Tordil teaches an aqueous fabric softener composition comprising softener compound, 1,4-cyclohexanedimethanol (CHDM) and water (see Examples 1 and 2 on page 46). Tordil teaches the limitations of the instant claims. Hence, Tordil anticipates the claims.

7. Claims 1, 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Wahl et al. (US Patent No. 5,877,145), hereinafter "Wahl '145".

Wahl '145 teaches an aqueous fabric softener composition comprising DEQA, 1,4-cyclohexanedimethanol and water (see Examples 20 to 22 under col. 37, lines 14-30). Wahl '145 teaches the limitations of the instant claims. Hence, Wahl '145 anticipates the claims.

8. Claims 1, 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Trinh et al. (US Patent No. 5,977,055), hereinafter "Trinh".

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Trinh teaches an aqueous fabric softener composition comprising DEQA, 1,4-cyclohexanedimethanol and water (see Example V!! Under col. 53, lines 43-62 and Example XII under col. 55). Trinh teaches the limitations of the instant claims. Hence, Trinh anticipates the claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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10. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (US Patent No. 5,814,592), hereinafter "Kahn".

Kahn teaches a non-aqueous liquid detergent compositions comprising a stable suspension of solid, substantially insoluble particulate material dispersed throughout a structured, surfactant containing liquid phase, wherein the composition comprises from about 45% to 95% by weight of a surfactant-containing structured liquid phase; from about 0.1% to 5% by weight of a finely distributed, solid particulate structure elasticizing agent; and from about 5% to 54.9% by weight of the composition of additional insoluble particulate material (see col. 2, lines 43-54), having a range in size from about 0.1 to 1500 microns, preferably 5 to 200 microns (see col. 9, lines 10-20). The structured liquid phase may also comprise one or more non-surfactant, non-aqueous organic solvents one of which is 1,6-hexanediol (see col. 6, lines 1-22). The types of insoluble particulate material which can be utilized include peroxygen bleaching agents, bleach activators, organic detergent builders, inorganic alkalinity sources and enzymes (see col. 9, line 21 to col. 12, line 65). The composition can also optionally contain water-soluble ethoxylated amines having clay soil removal and anti-redeposition properties (see col. 14, lines 39-43) (equivalent to fabric care agent). Kahn also teaches that the composition can be used to form aqueous washing solutions for use in the laundering and bleaching of fabrics wherein an effective amount of the composition is added to water and the aqueous washing/bleaching solution so formed is then contacted, preferably under agitation, with the fabrics to be laundered and bleached therewith (see col. 17, lines 19-28). Kahn, however, fails to specifically disclose a laundry detergent composition

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comprising 1,6-hexanediol and the density of the surfactant-containing non-aqueous liquid phase as those recited.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate 1,6-hexanediol into the composition because this is one of the suitable non-aqueous organic solvents taught by Kahn, and to reasonably expect the structured, surfactant containing liquid phase of Kahn to have a density within those recited because similar ingredients have been utilized.

11. Claims 1, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (US Patent No. 5,747,443), hereinafter "Wahl '443".

Wahl '443 teaches a fabric softening composition comprising a fabric softening active, optionally a principal solvent like 1,6 hexanediol among many, optionally low molecular weight water-soluble solvents like propylene glycol which can also be prepared as solids (see col. 1, line 49 to col. 4, line 29; col. 39, line 54) like tablets (see col. 66, lines 14-21). Wahl, '443 however, fails to specifically disclose a laundry detergent composition comprising 1,6 hexanediol in tablet form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the composition of Wahl comprising 1,6 hexanediol in tablet form because Wahl '443 teaches that his compositions can be prepared not only in liquid form but also in solid form like tablets.

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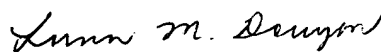
12. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

November 13, 2003


Lorna M. Douyon
Primary Examiner
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